



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 15 2008

Ref: EPR-N

Mr. Ray Nation, Deputy Superintendent
Bureau of Indian Affairs
Wind River Agency
P.O. Box 158
Fort Washakie, WY 82514

Re: Riverton Dome Coal Bed Natural Gas and
Conventional Gas Development Project
Final Environmental Impact Statement
CEQ # 20080359

Dear Mr. Nation:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Riverton Dome Coal Bed Natural Gas (CB) and Conventional Gas Development Project. While EPA participated as a cooperating agency in the development of the EIS, our review of the FEIS was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

EPA commends the Bureau of Indian Affairs (BIA) for providing opportunity for a collaborative and engaging cooperating agency process in the development of the Draft and EISs. As a result of BIA's efforts, the FEIS addresses many of the concerns identified by EPA in the Draft EIS. EPA welcomes the incorporation of more recent and representative values for background particulate matter (PM_{2.5}), and nitrogen and sulfur deposition in order to more accurately model the air quality impacts of the preferred alternative. EPA also is pleased with the more rigorous discussion of cultural resource and environmental justice impacts. Additionally, the discussion of mitigating measures used to control potential increases in mosquito population and subsequent West Nile outbreaks is appreciated.

During the public scoping process in October 2005, EPA, the Tribes, and the public raised numerous concerns regarding potential impacts to water quality from the proposed surface discharge of produced water. During Draft EIS development, Devon agreed to use underground injection of the produced water with secondary disposal in two existing evaporation ponds, eliminating surface discharge as an option. The decision to dispose of the produced water via underground injection resolved many of EPA's concerns regarding potential impacts to surface water.

water quality and aquatic habitat. However, EPA notes that if produced water management all or part of the project is changed, the environmental impacts will change significantly and will need to provide supplemental NEPA analysis for the proposed project.

EPA recognizes the challenge faced by the BIA in balancing the conflicts between development, natural resources, ground and surface water, and community concerns. If you have any questions regarding our comments on the FEIS, please do not hesitate to call me at 303-604-6004 or Joyel Dhieux at 303-312-6647.

Sincerely,



Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Restoration

